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New Rankings Are Out — But What Do They Mean?

By Alan S. Carrel
Vice Dean

The latest law school rankings are now out. According to the list compiled by Thomas E. Brennan Sr., a former chief justice of the Michigan Supreme Court and the founder of Thomas M. Cooley Law School, UB Law is 26th best in the country out of 179 schools evaluated. In *U.S. News & World Report* we have moved up into the second tier.

What do these rankings really mean?

Americans like rankings. We want everything — from vacuum cleaners to college football teams — listed in order of quality. The media profit by responding to this desire. Consumer Reports has developed a multimillion-dollar enterprise with sophisticated laboratories that compare each facet of almost every product imaginable. They then rank those products according to various measures of quality. In college sports it is harder to make comparisons, since you cannot bring all of the teams into a laboratory and closely examine each component. Instead, before each season, sportswriters carefully scrutinize team rosters, digest reams of statistics, review videotapes for countless hours and read voluminous amounts of material to determine how the teams compare. Those same experts then change their rankings weekly once the season begins, because teams perform differently than expected.

Law schools are much more difficult to compare. It is impossible to



effectively judge their relative merit unless you spend a considerable amount of time at each institution. A group of prominent national legal organizations made a joint statement a few years ago concerning law school rankings. The Association of American Law Schools (AALS), the American Bar Association (ABA), the Law School Admissions Council (LSAC) and the National Association for Law Placement (NALP) stated, "Any ranking or rating of law schools ... is meaningless or grossly misleading." Surveys cannot "measure many important factors involved in evaluating the quality of law schools."

Criticism of rankings has been prevalent for years, even among those schools who benefit from being listed near the top. John Sexton, dean of New York University Law School (currently sixth in both *U.S. News* and Brennan) stated that even the deans "cannot offer an informed view of the quality of schools other than their own." The "entire enterprise of ranking law schools is irresponsible and destructive." Robert E. Scott, dean at the University of Virginia School of Law (currently eighth in *U.S. News* and 14th in Brennan), in describing the *U.S. News* poll said, "I think the whole thing is hokum. ...The survey has grievous and silly methodological flaws." When Mark Yudof was dean at the University of Texas School of Law (currently 18th in *U.S. News* and seventh in Brennan), he called the *U.S. News* survey "voodoo social science." He felt that their survey, which mixes hard statistics with subjective information, could not possibly produce accurate results. Sexton, from NYU, has recently commented on the error made by *U.S. News* in its 1997 rankings and the subsequent correction. "The recent adjustments necessitated by a very minor miscalculation in one piece of data demonstrate beyond question the

lack of credibility of the *U.S. News* methodology."

These comments were directed at the *U.S. News* survey. But is the methodology of Thomas E. Brennan Sr. more accurate? Brennan has recent-

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ly completed a study titled *Judging the Law Schools*. His 468-page study is summarized in a Composite Index that ranks the 179 American Bar Association-accredited schools based on 50 categories of information. UB Law fared extremely well in the Composite Index, ranking 26th.

Brennan, as one would expect, feels his methodology is significantly more accurate than that used by *U.S. News*, which relies heavily on reputation. He believes reputation is more a reflection of name recognition than

quality. To demonstrate his point, he polled a group of lawyers and judges, as *U.S. News* does each year, and asked them to rank law schools. Brennan added Penn State to the list, even though that university did not have a law school. The non-existent school was considered to be in the middle of the pack. Brennan attributes that to Penn State's "Joe Paterno ... a great football program and a national image."

Brennan became concerned because large numbers of people "read the *U.S. News* ratings. They believe what they read and act on those beliefs." He feels that perceptions drive reality, and name recognition has fueled opinions about which schools are best. He decided to create a system where "objective fact would drive reality rather than the other way around."

Brennan compiled rankings using only statistical figures. Since its inception, the ABA has refused to rank law schools, and has issued a disclaimer with regard to all rating systems. However, its *Review of Legal Education in the United States* publishes statistics annually on virtually every aspect of legal education. Brennan feels these statistics "present a pretty clear picture of any school."

Brennan created 50 categories of information from the ABA data and then separated them into five major groupings, each of which he feels is "descriptive of a general aspect of legal education." The Composite Index combines the scores from each of the groupings. In his words, his methodology gives consideration to "No favorites. No assumptions. Just the plain unvarnished facts."

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reduce a legal education to a set of numbers and accurately depict quality.

Abbie Willard, an assistant dean at Georgetown University Law Center (currently 14th in *U.S. News* and 16th in Brennan), in a 1994 article in the *NALP Bulletin*, asserted that quality is not easily assessed because it is "always intangible, frequently undefinable and often unmeasurable. It reflects judgment based on personal experience and perceptions." Elizabeth Armour, from Boston University (currently 31st in *U.S. News* and 30th in Brennan) wrote in the January 1996 issue of the *NALP Bulletin*, "Published rankings attempt to compare apples and oranges. ... Law schools are complex and varied. ... The numbers do not reflect the many nuances that make each school a living, breathing and unique organism." The joint statement of the AALS, ABA, LSAC and NALP noted, "Statistics cannot reflect such factors as the quality of faculty, curricular offerings, adequacy of library resources and quality of life."

As inaccurate as the aforementioned attempts to rank schools may be, their creators do give detailed descriptions of their methodology. This is different from the approach taken by Jack Gourman, who for years published a variety of *Gourman Reports* without ever indicating how he arrived at his conclusions. He rated undergraduate, graduate and professional programs at 1,340 schools throughout the world. He rated over 50 types of programs ranging from nuclear engineering, to drama, to forestry. He included professional programs in medicine, law, dentistry, pharmacy, optometry, nursing and public health.


Language was no barrier to him, nor was Communist control of the country in which a program existed. He rated programs in Austria, Belgium, Canada, England, France,

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Germany, Ireland, Israel, Italy, Japan, Netherlands, Russia, South Africa, Sweden and Switzerland without providing details of his methodology. When asked by Beverly Watkins for an article she was writing in the February 15, 1984, *Chronicle of Higher Education* why he had not "explained his research methods more clearly," Gourman replied: "It would be confusing to put in too much about how it is done. It is not scientific to include so much information."

UB Law School was ranked in the high teens by Gourman for a while. He then asked me to write an endorsement to be printed on the cover of an issue. I was unable to do so honestly, and I politely declined. In the next issue our rankings were significantly lower than they had been in the past.

No matter how inaccurate law school rankings may be, they cannot be ignored. They are relied on heavily by many prospective students, employers and others in or near the legal and academic worlds. They shape the local and national perception of a law school and its programs. I am very happy that Brennan rated us 26th, and *U.S. News* placed us in the second tier. High ratings, no matter what their validity, are an enormous asset. Low ones can be a serious problem.

Law schools have become extremely concerned about opinion surveys completed by educators, lawyers and judges for *U.S. News*. Some are spending hundreds of thousands of dollars a year producing fancy publications to keep *U.S. News* voters informed of every major event happening at their school. Admission decisions have become increasingly focused on the LSAT and GPA scores of applicants rather than on the person who received those numbers. Important policy at many schools is now set with more concern for the polls than for educational value.

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Although we refuse to fall into that trap at UB, we are now more attentive to rankings than ever before. We spend significantly more time reviewing and completing surveys, and work hard to present the most positive image we can honestly project. A strong effort is made to improve our "numbers" when that action will not harm our program or the quality, depth and diversity of our student body. Our Alumni Association provided valuable assistance by financing the production of brochures extolling our school that were mailed to all *U.S. News* voters. We expect to expend additional resources to publicize the many outstanding improvements that have been made in our programs.

You can also help strengthen our reputation. You talk every day with lawyers and judges in the city where you live and perhaps elsewhere. Brag about the many positive changes that have occurred at your school. "Word of mouth" is a surprisingly effective way to communicate a message.

When a knowledgeable person spends time at UB Law School, he or she quickly realizes that our program is ahead of the curve in its ability to educate lawyers. That point was reinforced for me not long ago when speaking with Makau Mutua, one of our new faculty members. He recently joined us from Harvard Law School, after having spent five years there with both administrative and academic responsibilities. (See article on Page 100.)

Makau is extremely impressed with "the ability of the UB faculty to motivate its students, and with the collegial atmosphere which fosters and enhances an exceptional educational experience." He especially admires the teaching approach "which focuses upon the circumstances under which law is made and the way law works." In his opinion, "UB is an outstanding law school and a national leader in legal education."

Unfortunately, ratings don't measure the effectiveness of our year-long intensive Research and Writing program, the cutting-edge Bridge Courses or other aspects of the new practice-oriented curriculum. They don't measure the energy of the faculty, the comfortable, supportive, yet intellectually stimulating environment of the school, or the depth, breadth, quantity or quality of knowledge acquired.

Higher rankings are always welcome, but they are not as wonderful as being affiliated with a law school that has created and implemented one of the most functional and far-sighted curriculums in the country. That is a pleasure and honor that our students, alumni and friends should enjoy. ■

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